

# SENATE MOTION

**MADAM PRESIDENT:**

**I move** that Engrossed House Bill 1360 be amended to read as follows:

1       Page 5, line 7, after "11." insert "(a) As used in this section,  
2       "communications service" has the meaning set forth in  
3       IC 8-1-32.5-3. The term includes broadband over power lines. The  
4       term does not include any combination of communications service,  
5       hardware, or software that creates a network between advanced  
6       meters and utilities, including a network for customer billing,  
7       outage response, or demand side management.  
8       (b)".  
9       Page 5, between lines 12 and 13, begin a new paragraph and insert:  
10       "(c) An electricity supplier that receives an incentive approved  
11       under this chapter with respect to infrastructure, equipment, or  
12       other facilities shall notify the commission at least one hundred  
13       twenty (120) days before the electricity supplier uses the  
14       infrastructure, equipment, or other facilities to provide  
15       communications service, either directly or indirectly through an  
16       affiliate or an unaffiliated third party. If the commission is notified  
17       under this subsection or otherwise determines that an electricity  
18       supplier is using infrastructure, equipment, or other facilities to  
19       provide communications service, the commission shall issue an  
20       order revoking any incentive approved under this chapter with

1       **respect to the infrastructure, equipment, or other facilities. The**  
2       **order must require the electricity supplier to refund on a pro rata**  
3       **basis to its customers any costs recovered through rates paid by the**  
4       **customers under an incentive approved under this chapter, plus**  
5       **interest in an amount determined by the commission."**

(Reference is to EHB 1360 as printed April 10, 2009.)

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Senator HERSHMAN